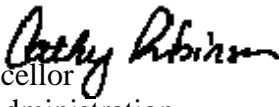


THE CALIFORNIA STATE UNIVERSITY
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Date: December 8, 2005 **Code: TECHNICAL LETTER**
HR/Benefits 2005-24

To: Human Resources Directors
Benefits Officers

From: Cathy Robinson 
Assistant Vice Chancellor
Human Resources Administration

Subject: **Unfair Practice Case No. LA-CE-799-H - CSU Family Medical Leave – Academic Professionals of California (Unit 4)**

Please be advised that as a result of the Public Employment Relations Board (PERB) ruling in the Unfair Practice Case No. LA-CE-799-H pertaining to California State University (CSU) Family Medical Leave (FML), certain provisions of HR 1999-05 - Revised CSU FML Policy released May 7, 1999, do not apply to employees represented by Academic Professionals of California (APC - Unit 4). Specifically, provisions covering campus-initiated designation of FML in absence of an employee request for FML are no longer applicable to APC-represented employees.

As a result of the PERB ruling, each campus must review its CSU Family Medical Leave records for APC-represented employees back to May 7, 1999, and:

1. Rescind any tolling of the 12-week Family Medical Leave entitlement in cases where the campus has, in the absence of a request for Family Medical Leave, “designated” a paid leave as Family Medical Leave based on the employee’s own “serious health condition,” and rescind any outstanding demands for physician certification and disciplinary actions based on such demands.
2. Make employees whole by restoring days of unpaid family medical leave denied as a result of the new rules on designation.

These changes apply only to APC-represented employees. Non-represented employees or employees represented by other bargaining units are not affected by this Technical Letter or the PERB ruling.

These changes concern employer-designated Family Medical Leaves and requests for a health care provider certification under Article 22 only; the requirement for requests for a physician’s statement under Article 19.6 is not changed.

Distribution:

CSU Presidents	Employee Relations Designees
Executive Vice Chancellor and CFO	Director, SOSS
Vice Chancellor, Human Resources	Payroll Managers
Associate Vice Presidents/Deans of Faculty	

For APC-represented employees, campuses are to track FML for an employee's own serious health condition only when the employee requests FML. When an APC-represented employee requests FML for his/her own illness, either with paid leave through appropriate leave credits or unpaid leave, the campus shall review the request and if the request meets FML criteria, the campus shall designate the leave as FML and track the leave against the 12-week FML entitlement on a rolling forward basis.

As a reminder, collective bargaining agreements (CBA) supersede CSU policy memorandums where the CBA is more generous.

Questions regarding this Technical Letter may be directed to Pamela Chapin in Human Resources Administration at (562) 951-4414 or by email at pchapin@calstate.edu. This Technical Letter is also available on the Human Resources Administration's Web site at: <http://www.calstate.edu/HRAdm/memos.shtml>.

CR/pc